

EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MARK A. WARD,)
Plaintiff,)
v.) 1:05CV00424
PETER E. MALONEY, PLAN)
ADMINISTRATOR,)
Defendant.)

O R D E R

In this proceeding, on August 23, 2005, the court granted Defendant's motion for summary judgment and judgment was entered against the Plaintiff. The Plaintiff appealed to the Fourth Circuit Court of Appeals.

While the matter was on appeal, the Plaintiff filed a motion for the judge to recuse for bias against the Plaintiff. The Defendant filed a motion for sanctions against the Plaintiff.

The Court of Appeals affirmed the grant of summary judgment and the Plaintiff's motion for recusal is now moot. Even if the motion were not moot, it would be denied for failure to show any merit to the motion.

The Defendant seeks sanctions by way of injunctive relief and attorney fees. It is quite clear that Plaintiff is a frequent litigator and has been sanctioned by Judge Doumar in the Eastern District of Virginia for litigation practices. This

court finds that the orders of Judge Doumar are sufficient at this time. Nevertheless, Defendant may move to reopen this matter if Plaintiff attempts to relitigate this subject in this or any other jurisdiction.

IT IS THEREFORE ORDERED that the motion of Plaintiff for this court to recuse (Doc. No. 46) is hereby denied.

IT IS FURTHER ORDERED that Defendant's motion for sanctions (Doc. No. 44) is denied with the right of Defendant to move to reopen the sanctions' motion even after the proceeding is closed.

This the 30th day of July 2007.

Suzanne L O'Keefe
United States District Judge